

Notice of Allowability

Application No.

10/615,176

Examiner

Katherine W. Mitchell

Applicant(s)

YEKUTIELY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/25/2005.
2. ☒ The allowed claim(s) is/are 26-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

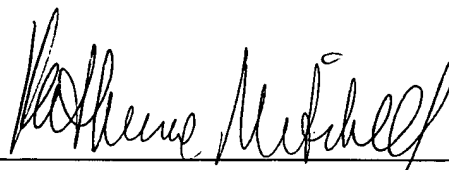
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Examiner is unable to call applicant as the number provided is an overseas phone number.

The application has been amended as follows:

1. **In the Specification:**

The specification has been amended to insert, prior to the first paragraph on page 1, the following paragraph:

--This patent application is a division of US Patent Application serial number 09/884904, filed on 6/21/2001 and now abandoned.--

2. **In the Claims:**

Claims 1-4, 6-19, and 31-35 have been cancelled by examiner.

3. **CLARIFICATION:**

There has never been a "claim 5" submitted due to an initial typing error.

4. The following is an examiner's statement of reasons for allowance:

Applicant is claiming an anchoring kit including an anchor with an expandable internally-threaded shank and a wedge arranged to wedge against the expandable portion, in combination with a power-driven biasing device which can exert **outwardly directed expanding force against the expandable portion** (emphasis by examiner), in further combination with multiple apparatus adapted to drill at least one hole, insert

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said anchor in said at least one hole, and selectively expand and contract said expandable portion in said hole, further requiring either (1) that the biasing device be fluid-powered with a pump adapted to pump said fluid or (2) an indicator capable of indicating if the anchor is safely anchored in place. A previous claim objection raised the question of whether a single apparatus adapted to drill, insert, and selectively expand and contract was being claimed, or whether multiple apparatus, i.e. drill bits, inserter, expander/contractors, was being claimed. The amended claim requires multiple apparatus adapted to do all the functions - drill, insert, and expand/contract the expandable portion.

Examiner notes that **“threaded fastener”, read in light of the specification, is not considered to include threaded pipe joints or drill strings.**

Examiner notes that **“pump” is considered to include a fan**, which can be considered an air pump.

pump (pŭmp) *noun*

1. A machine or device for raising, compressing, or transferring fluids. ¹

While examiner can obviously find the separate features required, any motivation examiner can envision would be based on hindsight, especially considering multiple apparatus each capable of performing numerous functions including drilling at least one hole, inserting said anchor in at least one hole, and selectively expanding and contracting the expandable portion of said anchor in the at least one hole.

¹Excerpted from *The American Heritage Dictionary of the English Language, Third Edition* Copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from Lernout & Hauspie Speech

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5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwm
10/13/2005

Katherine W Mitchell
Primary Examiner
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